

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

JAMES ALLEN BUCHANAN

§

v.

§ CIVIL ACTION NO. 2:03cv110

TOM McCOOL, ET AL.

§

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff James Buchanan, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Buchanan complained of the medical care which he received in the Harrison County Jail. He said that he received a shot for insulin, but that it was not insulin, but in fact was tuberculosis medication. In his motion for summary judgment, Buchanan complained of other incidents as well, including allegations of denial of treatment for hepatitis C, being denied sweets from the commissary, denial of access to court, and retaliation.

The Magistrate Judge ordered the Defendants to answer Buchanan's lawsuit, and the Plaintiff and Defendants each filed motions for summary judgment. After review of these motions and the competent summary judgment evidence, the Magistrate Judge issued a lengthy and detailed Report recommending that the Defendants' motion for summary judgment be granted and that the Plaintiff's lawsuit be dismissed. Buchanan filed objections to the Magistrate Judge's Report on October 24, 2005.

In his objections, Buchanan does not specifically address any of the Magistrate Judge's proposed findings or conclusions of law. Instead, he simply repeats legal arguments which he made in his complaint and motion for summary judgment, argues the undisputed and unremarkable points that inmates have a right to medical care and that the Constitution is the supreme law of the land, and argues that some of the claims made by the Defendants are incorrect. He does not identify any factual or legal errors on the part of the Magistrate Judge, nor point to any evidence in the record to support such assertions. Buchanan's objections are without merit.

The Court has conducted a careful *de novo* review of all of the pleadings in this cause, including the Plaintiff's original complaint, the motions for summary judgment filed by the Plaintiff and the Defendants, the Defendants' response to the Plaintiff's motion for summary judgment, and the competent summary judgment evidence properly before the Court. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and that the Plaintiff's objections are without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Defendants' motion for summary judgment is hereby GRANTED and the above-styled civil action be and hereby is DISMISSED with prejudice. Finally, it is hereby

ORDERED that any and all motions which may be pending in this cause, including the Plaintiff's motion for summary judgment, are hereby DENIED.

SIGNED this 25th day of October, 2006.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE